



ANNUAL CONTRACTOR ASSURANCES FEDERAL-AID CONTRACTS

All participants of Federal-aid contracts offered through the New Hampshire Department of Transportation are required to submit this form each January

_____(Contractor), hereinafter referred to as the "PARTICIPANT," Hereby agrees that as a condition of receiving payment in connection with work performed on any New Hampshire Department of Transportation (NH DOT) Federally assisted contract it will comply with the Required Contract Provisions (FHWA Form 1273), and all requirements imposed by the NH DOT Office of Federal Compliance pursuant to the implementing regulations, applicable U.S. Department laws, and other pertinent directives, to that end the PARTICIPANT HEREBY GIVES THE FOLLOWING SPECIFIC ASSURANCES with respect to its participation in the Federal-aid Highway Program:

Initial (by hand) Next to Each



1. _____ That the PARTICIPANT shall submit weekly Certified Payroll Reports (CPRs) and ensure that:
 - a. CPRs are submitted to the NHDOT no later than 14 calendar days from the end of the week (Saturday) in which work was performed
 - b. CPRs are submitted in the proper format and contain all required information
 - c. Each employee has been properly classified and paid for the time worked in each classification according to the minimum hourly wage(s) stipulated by the Wage Decision applicable to each of its contracts
 - d. Anytime the contract has multiple wage rates (multiple counties, states, or categories, i.e., highway, building, heavy, etc.) that either the highest rate of pay is paid for the classification or the payroll clearly indicates which wage schedule applies to the work performed (listing work classifications twice, stipulating which rates apply, as applicable).
 - e. Fringe benefit breakouts are provided with each payroll submission, if applicable.
 - f. Only allowable deductions have been taken and that "other" deductions are fully described on payrolls.
 - g. Salaried Forepersons/Superintendents performing in a classification more than 20% of the workweek are shown on payrolls having all payroll information shown.
 - h. Owners performing work on site are included on payrolls and have the classification of work shown followed by "Owner," and that hours worked on site are also indicated (no other information is required).
 - i. Note: The NHDOT may require the use of a payroll "QC" checklist, with each payroll submission, for those contractors who repeatedly submit payrolls that are not correct and/or complete.
 - j. Restitution is not reported on certified payrolls, that the OFC Form 8 is used for that purpose only.

2. ____ The PARTICIPANT shall also be responsible for ensuring compliance of the same for any subcontractor or lower-tier subcontractor with which it holds an agreement under a Federal-aid contract.
3. ____ That the PARTICIPANT shall review the Wage Decision in each of its contracts and submit an Additional Work Classification Request, using a SF 1444, for each classification that does not appear in the applicable Wage Decision prior to using the classification on the project.
4. ____ That the PARTICIPANT shall not sublet, assign or otherwise dispose of any portion of the contract without approval from the NH DOT and acknowledges that any work performed by an unapproved subcontractor or lower-tier subcontractor shall not be paid for by the NHDOT. In the event that Consent is obtained after some or all of the work is performed, all work done prior to Consent will not be paid.
5. ____ That the PARTICIPANT is in full compliance with the Immigration Reform and Control Act of 1986 and has fulfilled all Form I-9 requirements by verifying identification and authorization to work for each employee reported on the payroll.
6. ____ That the PARTICIPANT acknowledges that any work performed or services provided under a Federal-aid contract shall be considered *satisfactorily completed* and payable only after the PARTICIPANT has fulfilled the contract requirements of the agency, including the submission of all documentation required by the specifications and the contract. Satisfactory completion of work performed shall be defined, for purposes of the prompt payment provision, when the Engineer finds the work completed in accordance with the contract, plans and specifications and required paperwork, for Progress and Partial payments, including material certifications and payrolls, has been received. The PARTICIPANT shall not disperse payment for an item of work under the contract without first obtaining certified payrolls from its subcontractors or lower-tier subcontractors, verifying the payment of wages according to paragraph "1." above.
7. ____ The PARTICIPANT acknowledges that a breach of any of the stipulations contained in the Required Contract Provisions, FHWA Form 1273, shall be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension/debarment or any other action determined to be appropriate by the NHDOT and FHWA.
8. ____ The PARTICIPANT acknowledges that an executive officer/owner of its company and their payroll officer may be required to complete 4-hours of Federal Contractor Compliance Training if found to have repeatedly violated the Required Contract Provisions. When mandated, Contractor Compliance Training must be completed before participation on future projects is authorized. This requirement does not relieve the Contractor of its obligations under the prime contract, nor does it prevent the Department from seeking other remedies or enforcement action, such as suspension or debarment.
9. ____ That the PARTICIPANT understands that a Work Certificate and supporting documentation to affirm compliance with NH RSA 228:4-b is submitted as part of its consent to sublet package and that the said Work Certificate lists all Work Classification Codes to be utilized on the project and that Workers Compensation Insurance covers all individuals performing work on site.
10. ____ That the PARTICIPANT acknowledges and understands it must list any Workers Compensation Insurance exclusions on the OFC Form 14 as part of its consent to sublet package.
11. ____ That the PARTICIPANT, in order to participate in any public project offered through the NH DOT, shall register its business name with the NH Secretary of State's Office and remain in *good standing* throughout the period of participation.

12. NEW HAMPSHIRE BASED COMPANIES ONLY: That the PARTICIPANT will certify on the OFC Form 14, as part of its subcontractor approval, that the company is in full compliance with NH Employment Security (NHES) Office and all workers are being correctly reported to NHES. Those not being reported correctly pass the NHES's "ABC Test," RSA 282-A9III(a)(b)(c), and, as such, would be considered Independent Contractors by the NHDOT and would require a subcontractor approval submission prior to working on site.

a. Note: Our NHES Reporting ID Number is: _____.

13. NON-NH BASED COMPANIES ONLY: That the PARTICIPANT, in addition to completing this OFC Form 14a, will also complete an OFC Form 14b each January as part of the NHDOT's Annual Assurances requirement certifying the company is NOT based in NH and that the company is in full compliance with the Employment Security Office in his/her State (_____) and that all workers are being correctly reported to that Agency as required by the laws in that state.

a. Note: Our Reporting ID Number is: _____.

14. _____ That the PARTICIPANT shall maintain detailed pay records and other associated records documenting its compliance, and all efforts to comply, with the nondiscrimination and payroll requirements of the FHWA Form 1273, and shall make these records available for inspection by authorized representatives of the NH DOT, the U.S. Department of Labor, and the Federal Highway Administration at reasonable times and places for minimum of 3 years following the completion of the contract work.

15. _____ That the PARTICIPANT may be required to have its employees sign-in on State managed construction projects whenever it is found to have repeated instances of workers not being reported on certified payroll reports.

16. _____ That the PARTICIPANT acknowledges and understands that the Office of Federal Compliance shall direct all compliance matters involving subcontractors to the Prime Contractor for resolution.

17. _____ That the PARTICIPANT is fully aware that it may seek compliance assistance and training for itself, its subcontractors, or lower-tier subcontractors by contacting the NH DOT Office of Federal Compliance.

18. _____ That the PARTICIPANT acknowledges that the NHDOT Standard Specifications for Road and Bridge Construction, Section 107.01, Laws to be Observed, applies.

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all contracts funded through the New Hampshire Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is an executive officer or owner of:

(Company Name)

Printed Name of Owner/Executive Officer (ONLY)

Date: _____

Signature